

Efforts to Revise DRBC Regulations Underway

DRBC staff members, with guidance from the commission's Water Quality Advisory Committee, devoted considerable time and energy during 2002 and 2003 preparing draft revisions to the DRBC's water quality regulations, and in particular to its Special Protection Waters (SPW) regulations.

The commission's SPW regulations were adopted in the early 1990s to protect the Delaware River's existing high-quality waters in the reach between the Delaware Water Gap and Hancock, N.Y. These regulations focus on controlling both point ("end-of-pipe") and non-point source discharges, such as stormwater runoff.

One of the main mechanisms to control non-point source pollution is the requirement that projects located in the SPW drainage area that are subject to DRBC review must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP). The NPSPCP describes the Best Management Practices that will be used at the project site and within the project's service area to control the increases in non-point source pollutant loadings resulting from the project.

Since many projects fall below the DRBC review threshold and the NPSPCPs are adopted on a case-by-case basis, the commission is currently revising its SPW regulations to increase the effectiveness of the non-point source component. While the DRBC will continue to require applicants to develop a site-specific NPSPCP, the proposed regulations would encourage the development of Area-Wide Plans on a municipal, multi-municipal, county, or watershed basis that contain a strategy for managing, controlling, and abating non-point source loadings within the geographic area of these plans. Through the development of Area-Wide Plans with a non-point source component, a greater portion of the SPW drainage area will be implementing non-point source controls that will protect the high water quality found in this stretch of the Delaware River.

The DRBC also is revising its SPW regulations by adding design principles and minimum requirements for the NPSPCP to control the rate, volume, and quality of stormwater generated by new development. Concurrently, the commission is writing a guidance manual to assist applicants in complying with the SPW regulations. The proposed revisions, when finished, will be the subject of an administrative rulemaking process before the commissioners vote on their final adoption.

By revising the SPW regulations to encourage the development of Area-Wide Plans and adding minimum requirements for NPSPCPs to control stormwater, the DRBC is taking action to more effectively control non-point source pollutant loadings in the SPW drainage area, thereby helping the commission meet its goal of maintaining existing high water quality in this section of the basin.

SPW Designation In Other Parts Of The Basin

The SPW regulations currently affect only the 120-mile stretch of the Delaware River from the Delaware Water Gap upstream to Hancock, but they could be applied to other basin waterways that meet certain criteria. The DRBC will consider nomination petitions from local, state and federal agencies as well as the public calling for SPW designation in



Bald eagles are attracted to the high-quality waters of the Delaware because fish is their preferred food source. This January 2002 photo that captured the eagles on the Delaware was taken by David B. Soete in Narrowsburg, N.Y.

other parts of the basin. Petitions are considered on a case-by-case basis and may result in further studies. Commission action to add waters to the SPW program will be taken only after a formal comment period and public hearing.

The Delaware Riverkeeper Network petitioned the commission in 2001 to designate the Lower Delaware River from the Delaware Water Gap National Recreation Area downstream to the head of tide at Trenton as Special Protection Waters. This area is now under evaluation by the DRBC for possible SPW designation. The commission is currently collecting water quality data in the Lower Delaware River to define existing water quality, but additional data are still needed. Congress and the President added portions of the Lower Delaware River to the National Wild and Scenic Rivers System in 2000.

Additional information about the Special Protection Waters regulations can be found on the DRBC web site at <http://www.nj.gov/drbc/spw.htm>.

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Special Protection Waters Drainage Area

